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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,620	09/30/2003	Michael R. Harris	5620-0007	7940
73552	7590	11/12/2008		
Stolowitz Ford Cowger LLP 621 SW Morrison St Suite 600 Portland, OR 97205			EXAMINER	LAO, LUN S
			ART UNIT	PAPER NUMBER
			2614	
MAIL DATE	DELIVERY MODE			
11/12/2008	PAPER			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/676,620	<b>Applicant(s)</b> HARRIS, MICHAEL R.
	<b>Examiner</b> LUN-SEE LAO	<b>Art Unit</b> 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on **21 July 2008**.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) **1,4,6-19 and 22-24** is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) **1,4, 6-19 and 22-24** is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/1449)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Introduction*

1. This action is in response to the amendment filed on 07-21-2008. Claims 1, 16 and 24 have been amended and claim 2-3, 5, 20-21 have been canceled. Claims 1, 4, 6-19 and 22-24 are pending.

### *Drawings*

2. The drawings were received on 07-21-2008. These drawings are acceptable for examination.

### *Specification*

3. The amendment filed 08-15-2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "the processor is configured to time-division multiplex the digitally encoded speech and the audio signal to generate the combined signal"; and "the processor is configured to time- domain multiplex the digitally encoded speech and the audio signal to generate to combined audio signal". Applicant is required to cancel the new matter in the reply to this Office Action.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 6 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 6 recited "the processor is configured to time-division multiplex the digitally encoded speech and the audio signal to generate the FM signal". However, the specification does not clearly disclose how the processing of "the signal combiner is configured to time-division multiplex the digitally encoded speech and the audio signal to generate the combined signal" will be performed. It was not supported in the specification nor in any figures presented and any claim originally presented.

6. Claims 16 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 16 and 24 recited "the processor includes a signal combiner is configured to time-division multiplex the digitally encoded speech and the audio signal to generate the combined FM digital audio signal". However, the specification does not clearly disclose how the processing of "the processor includes a signal combiner is configured to time-division multiplex the digitally encoded speech and the audio signal to generate the combined FM digital

audio signal" will be performed. It was not supported in the specification nor in any Figures presented and any claim originary presented.

These claims 6, 8, 16 and 24 will be rejected base on the examiner's best understanding.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 13 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (US PAT. 5,351,186) in view of Beck et al. (US PAT. 5,802).

Consider claim 13 Bullock teaches a transceiver, comprising:  
a radio data system (see figs. 2-4) modulator configured to generate a modulated text data signal in response to a broadcast audio transmission including text data (26,34) and an audio signal(25,34), the text data being descriptive of the audio signal (see col. 4 line 12-68 and col. 7 line 5-22);

a frequency modulation (FM) encoder (36) configured to generate an FM encoded audio signal in response to the audio signal;

a signal combiner (CPU) configured to combine the modulated text data signal (26, 34) and the FM encoded audio signal (25, 34) into a combined signal (the signal from cpu to encoder (36); and

an FM transmitter (38) configured to transmit the combined signal (see col. 4 line 12-col. 5 line 12 and col. 6 line 29-col. 7 line 22); but Bullock does not explicitly teach the text data being descriptive of the audio signal.

However, Beck teaches text data descriptive of the audio signal (see figs 5,6 and col. 7 line 9-col. 8 line 67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Beck into Bullock to provide a text-to-speech system for more convenience to the user.

Consider claims 17-18 Bullock teaches a housing in which the receiver and at least one of the RDS modulator, the FM encoder, the signal combiner, and the FM transmitter are mounted (see figs 2-4 and col. 4 line 12-col. 5 line 12); and the transceiver wherein each of the RDS modulator, the FM encoder, the signal combiner, and the FM transmitter are mounted in the housing(see figs 2-4 and col. 4 line 12-col. 5 line 12).

9. Claims 1, 4, 9 and 12, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (US PAT. 5,351,186) in view of Ohnishi (US PAT 5,682,431) and Beck et al. (US PAT. 5,802).

Consider claim 1 Bullock teaches that an FM transmitter comprising:

a processor (see figs 2-4 (CPU)), configured to receive text data (26,14) signal and to encode the audio signal and the encoded speech according, to a FM standard into a FM digitally signal (see col. 4 line 12-68 and col. 7 line 5-22); but Bullock does not explicitly teach text data descriptive of an audio signal, to convert the text data into digitally encoded speech and a converter configured to convert the FM digital signal into an analog FM signal.

However, Beck teaches text data descriptive of an audio signal, to convert the text data into digitally encoded speech(see figs 5,6 and col. 7 line 9-col. 8 line 67).

Therefore, it would have been obvious to one of the ordinary skill in the at the time the invention was made to combine the teaching of Beck in to Bullock to provide a text-to-speech system for more convenience to the user.

On the one hand, Ohnish teaches a converter configured to convert the FM digital signal into an analog FM signal (see fig.4 and col. 6 line 33-col. 7 line 45).

Therefore, it would have been obvious to one of the ordinary skill in the at the time the invention was made to combine the teaching of Ohnishi in to Bullock so that the data will be easily to transmit and prevent the interference noise.

On the other hand, Bullock as modified by Beck and Ohnishi teache a processor (see figs 2-4 (CPU)), configured to receive text data descriptive of an audio signal, to convert the text data into digitally encoded speech and to encode the audio signal and the encoded speech according, to a FM standard into a FM digitally signal; and a transmitter configured to transmit the analog FM signal(see col. 4 line 12-col. 5 line 12 and col. 6 line 29-col. 7 line 22).

Consider claim 4 Bullock as modified by Ohnish teaches that a band-pass filter configured to filter the analog FM signal to exclude signal components outside of a range of frequencies according to an RDS standard (f0-fc in fig.4 and see col. 6 line34-col. 7 line 50).

Consider claim 9 Bullock teaches the FM transmitter wherein: an auxiliary audio device is configured to generate the audio signal; and the processor is a control processor of the auxiliary audio device(see figs 2-4 and col. 4 line 12-col. 5 line 12).

Consider claim 12 Bullock teaches a housing to which the processor, the convert, and the transmitter are mounted, the housing comprising: an audio input to receive the audio signal from an auxiliary audio device: and a data input to receive the text data from the auxiliary audio device; wherein the housing is physically distinct from the auxiliary audio device (see figs 2-4 and col. 4 line 12-col. 5 line 12 and col. 6 line 29-col. 7 line 22).

Consider claim 15 Bullock teaches the transceiver further comprising:  
a processor configured to convert the text data into digitally encoded speech and to encode the digitally encoded speech and the audio signal into a combined FM digital audio signal (see col. 4 line 12-col. 5 line 12 and col. 6 line 29-col. 7 line 22); but Bullock does not explicitly teach converting the text data into digitally encoded speech; and a converter configured to convert the combined FM digital audio signal into a combined FM analog audio signal.

However Beck teaches a processor configured to convert the text data into digitally encoded speech(see figs 5,6 and col. 7 line 9-col. 8 line 67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Beck in to Bullock to provide a text-to-speech system for more convenience to the user.

On the other hand, Ohnishi teaches a converter configured to convert the combined FM digital audio signal into a combined FM analog audio signal (see fig.4 and col. 6 line 33-col. 7 line 45).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ohnishi in to Bullock so that the data will be easily transmitted and prevent the interference noise.

16. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (US PAT. 5,351,186) as modified by Beck et al. (US PAT. 5,802) as applied to claim 13 above and further in view of Lee (US PAT. 6,374,177).

Consider claim 14 Bullock does not explicitly teach the transceiver further comprising: a satellite audio receiver comprising a processor; and at least one of the RDS modulator, the FM encoder, and the signal combiner are implemented in the processor of the satellite audio receiver.

However, Lee teaches a satellite audio receiver comprising a processor; and at least one of the RDS modulator, the FM encoder, and the signal combiner are implemented in the processor of the satellite audio receiver (see figs 1-3 and col. 2 line 13-59, col. 6 line 33-67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Lee in to Bullock and Beck provide satellite radios to transmit over large geographic areas and for international internet audio broadcasts. so that the transmission frequencies undergo a hopping sequence for increasing the power at which the signals are transmitted.

10. Claims 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (US PAT. 5,351,186) in view of Lee (US PAT 6,374,177); and Beck et al. (US PAT. 5,802).

Consider claim 19 Bullock teaches a storage device; a processor (see figs. 2-4(CPU)) configured to receive an audio signal (25,34) and text data from the storage device to generate a modulated text data signal from the text data(26, 34), to encode the audio signal into an FM encoded audio signal to combine the modulated text data and the FM encoded audio signal into a combined audio signal, and to convert (36)the combined audio signal into an FM signal(38); and a frequency modulation (FM) transmitter(38) configured to transmit the FM signal(see figs 2-4 and col. 4 line 12-col. 5 line 12 and col. 6 line 29-col. 7 line 22); But Bullock does not explicitly text data descriptive of the audio signal from the storage device; and a handheld audio player.

However, Back teaches text data descriptive of the audio signal from the storage device(see figs 5,6 and col. 7 line 9-col. 8 line 67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Beck into Bullock to provide a text-to-speech system for more convenience to the user.

On the other hand, Lee teaches a handheld audio player (see fig.2).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Lee into Bullock so that the computer device will be easy for user to carry around.

Consider claim 22 Bullock as modified by Lee teaches the handheld audio player is one of a compact disc (CD) player, a flash player, an MP3 player, and a hard disk drive (HDD) jukebox (Lee, see figs 1-2 and col. 2 line 13-59, col. 4 line 46-57, col. 6 line 33-67).

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (US PAT. 5,351,186) as modified by Beck et al. (US PAT. 5,802) as applied to claim 13 above and further in view of Ishii (US 2002/0132612).

Consider claim 16 Bullock teaches the audio signal to generate the combined FM digital audio signal (see col. 4 line 12-col. 5 line 12 and col. 6 line 29-col. 7 line 22); but Bullock does not explicitly teach the processor is configured to time-division multiplex the digitally encoded speech.

However, Ishii teaches the signal combiner is configured to time-division multiplex the digitally encoded speech and the audio signal to generate the combined signal (see fig.1 and page 4 [0048]-[0050]).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ishii into Bullock so that the transmission frequencies undergo a hopping sequence for increasing the power at which the signals are transmitted.

12. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (US PAT. 5,351,186) as modified by Ohnishi (US PAT 5,682,431) and Beck et al. (US PAT. 5,802) as applied to claim 1 above and further in view of Ishii (US 2002/0132612).

Consider claim 6 Bullock as modified by Ohnishi and Beck teaches the audio signal to generate the combined FM digital audio signal(see col. 4 line 12-col. 5 line 12 and col. 6 line 29-col. 7 line 22); but Bullock does not explicitly teach the processor is configured to time-domain multiplex the digitally encoded speech.

However, Ishii teaches the signal combiner is configured to time-division multiplex the digitally encoded speech and the audio signal to generate the combined signal (see fig.1 and page 4 [0048]-[0050]).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ishii into the teaching of Bullock and Ohnishi, Beck so that the transmission frequencies undergo a hopping sequence for increasing the power at which the signals are transmitted.

Claim 8, it is essentially similar to claim 6 and rejected for the reason stated above apropos to claim 6.

Consider claim 7 Bullock as modified by Beck teaches the processor is a programmed processor comprising code to control the processor to convert the text data into the digitally encoded speech(in Beck see figs 5,6 and col. 7 line 9-col. 8 line 67).

13. Claim 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (US PAT. 5,351,186) as modified by Ohnishi (US PAT 5,682,431) and Beck et al. (US PAT. 5,802) as applied to claim 1 above and further in view of Lee (US PAT. 6,374,177).

Consider claim 10 Bullock does not explicitly teach that the auxiliary audio device is a device selected from a group consisting of a CD player, a CD- MP3 player, a universal satellite receiver, and a digital audio broadcast receiver (see fig.2).

However, Lee teaches that the auxiliary audio device is a device selected from a group consisting of a CD player, a CD- MP3 player, a universal satellite receiver, and a digital audio broadcast receiver (see figs 1-3 and col. 2 line 13-31, col. 6 line 33-67);

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Lee into the teaching of Bullock and Ohnishi and Beck so that the user has more choice to select the entertainment device.

Consider claim 11 Bullock as modified by Ohnishi, Beck and Lee teaches the FM transmitter further comprising a wireless remote control receiver, coupled to the auxiliary audio device, the wireless remote control receiver to receive commands to

control the auxiliary audio device and to receive commands to select text data to be transmitted in the FM signal (Lee, see figs 1-3 and col. 2 line 13-31, col. 6 line 33-67).

14. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (US PAT. 5,351,186) as modified by Lee (US PAT. 6,374,177) and Beck et al. (US PAT. 5,802) as applied to claim 19 above and further in view of Ohnishi (US PAT 5,682,431).

Consider claim 23 Bullock as modified by Lee and Beck teaches that the processor is configured to convert the text data into digitally encoded speech and to combine the digitally encoded speech and the audio signal into a combined digital audio signal(see col. 7 line 5-22); but Bullock does not explicitly teach a converter configured to convert the combined audio signal into a combined analog audio signal.

However, Beck teaches the processor is configured to convert the text data into digitally encoded speech(see figs 5,6 and col. 7 line 9-col. 8 line 67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Beck in to Bullock to provide a text-to-speech system for more convenience to the user.

On the one hand, Ohnish teaches a converter configured to convert the combined audio signal into a combined analog audio signal (see fig.4 and col. 6 line 33-col. 7 line 45).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ohnishi into the teaching of Bullock and Lee so that the data will be easily transmitted and prevent the interference noise.

On the other hand, Bullock as modified by Ohnishi and Beck teaches the processor is configured to convert the text data into digitally encoded speech and to combine the digitally encoded speech and the audio signal into a combined digital audio signal; and a transmitter configured to transmit the analog FM signal (see col. 4 line 12-col. 5 line 12 and col. 6 line 29-col. 7 line 22).

15. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (US PAT. 5,351,186) as modified by Lee (US PAT. 6,374,177); Beck et al. (US PAT. 5,802) and Ohnishi (US PAT 5,682,431) as applied to claims 19 and 23 above, and further in view of Ishii (US 2002/0132612).

Consider claim 24 Bullock as modified by Lee, Beck and Ohnishi teaches the handheld audio player wherein the audio processor includes a signal combiner configured to digital encode speech and the audio signal to generate the combined digital audio signal (see col. 4 line 12-col. 5 line 12 and col. 6 line 29-col. 7 line 22); but Bullock does not explicitly teach the processor is configured to time-division multiplex the digitally encoded speech.

However, Ishii teaches the signal combiner is configured to time-division multiplex the digitally encoded speech and the audio signal to generate the combined signal (see fig.1 and page 4 [0048]-[0050]).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ishii into the teaching of Bullock, Lee, Beck and Ohnishi so that the transmission frequencies undergo a hopping sequence for increasing the power at which the signals are transmitted.

***Response to Arguments***

16. Applicant's arguments with respect to claim 1, 4, 6-19 and 22-24 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued there is support in the Specification for the Objections and Claim Rejections Under § 112 (see the remarks page 8 second paragraph).

The examiner disagrees. The examiner can not find any support in the cited area as indicated by the applicant such as "that claim 6, as originally filed, recited the signal combiner time-division multiplexes the FM data signal and the FM encoded audio signal to generate the composite FM signal. Claim 8, as originally filed, recited the signal combiner is multiplexing circuitry in the processor that time-division multiplexes the digital FM encoded audio signal and the FM data signal to generate the composite FM signal. The originally-filed claims are part of the specification as originally-filed" which the applicant points out (see the remarks page 8 3<sup>rd</sup> paragraph). However, the examiner find neither specification describing "the processor is configured to time-division multiplex the digitally encoded speech and the audio signal to generate the FM signal" nor in any figures. Therefore, the 112 first paragraph rejection maintained. See the new ground rejection.

Applicant argued that Bullock does not disclose a radio data system (RDS) modulator configured to generate a modulated text data signal in response to a broadcast audio transmission including text data and an audio signal, the text data being descriptive of the audio signal; a frequency modulation (FM) encoder configured to generate an FM encoded audio signal in response to the audio signal; a signal combiner configured to combine the modulated text data signal and the FM encoded audio signal into a combined signal; and an FM transmitter configured to transmit the combined signal (see the remarks pages 11-12). The examiner disagrees. Please see the new ground rejection.

Applicant further argued that Claim 1 recites a processor configured to receive text data descriptive of an audio signal, to convert the text data into digitally encoded speech, and to encode the audio signal and the digitally encoded speech according to an FM standard into an FM digital signal. Claim 19 recites a processor configured to receive an audio signal and text data descriptive of the audio signal from the storage device, to generate a modulated text data signal from the text data, to encode the audio signal into an FM encoded audio signal, to combine the modulated text data and the FM encoded audio signal into a combined audio signal, and to convert the combined audio signal into an FM signal. The examiner disagrees. Please see the new ground rejection

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:  
**(571) 273-8300**

Hand-delivered responses should be brought to:  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao,Lun-See  
/Lun-See Lao/  
Examiner, Art Unit 2615  
Patent Examiner  
US Patent and Trademark Office  
Knox  
571-272-7501  
Date 11-4-2008

/Vivian Chin/  
Supervisory Patent Examiner, Art Unit 2614